

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MAYOR AND CITY COUNCIL OF
BALTIMORE,

Plaintiff,

v.

ALEX M. AZAR II, in his official capacity as
SECRETARY OF HEALTH AND HUMAN
SERVICES; and U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

Case No. 1:19-cv-01672-GLR

JOINT STATUS REPORT

The parties submit this joint status report pursuant to this Court's July 10, 2020 order, ECF No. 106. On January 3, 2020, Defendants filed notices of appeal to the United States Court of Appeals for the Second Circuit of the final judgments in the United States District Court for the Southern District of New York that vacated the rule that Plaintiff challenges in this case. *See State of New York v. U.S. Dep't of Health & Human Servs.*, No. 1:19-cv-4676-PAE, Notice of Appeal, ECF No. 255 (S.D.N.Y.) (*New York*); *Planned Parenthood Fed'n of Am., Inc. v. Azar*, No. 1:19-cv-5433-PAE, Notice of Appeal, ECF No. 123 (S.D.N.Y.) (*Planned Parenthood*); *Nat'l Family Planning & Reproductive Health Ass'n v. Azar*, No. 1:19-cv-5435-PAE, Notice of Appeal, ECF No. 129 (S.D.N.Y.) (*NFPRHA*). Intervenor in the Southern District of New York litigation have also filed notices of appeal. *See New York*, Notice of Appeal, ECF No. 254; *Planned Parenthood*, Notice of Appeal, ECF No. 122; *NFPRHA*, Notice of Appeal, ECF No. 128. Briefing to the Second Circuit in the consolidated appeals concluded on August 31, 2020, and oral argument has not been scheduled.

On January 17, 2020, Defendants filed its notice of appeal to the United States Court of

Appeals for the Ninth Circuit of the final judgment in the United States District Court for the Eastern District of Washington vacating the challenged rule on November 21, 2019. *Washington v. Azar*, No. 2:19-CV-00183-SAB (E.D. Wash.) (*Washington*). In addition, the United States District Court for the Northern District of California has also vacated the challenged rule in three cases: *City & County of San Francisco v. Azar*, No. 3:19-cv-2405-WHA (N.D. Cal.) (*San Francisco*); *California v. Azar*, No. 3:19-cv-2769-WHA (N.D. Cal.) (*California*); *County of Santa Clara v. U.S. Dep't of Health & Human Servs.*, No. 3:19-cv-2916-WHA (N.D. Cal.) (*Santa Clara*). That court entered a final judgment in *San Francisco* and *Santa Clara* on January 8, 2020, and a final judgment in *California* on May 26, 2020. The federal government filed notices of appeal in *San Francisco* and *Santa Clara* March 6, 2020, and in *California* on May 29, 2020. The Ninth Circuit has consolidated the four cases, and briefing is scheduled to conclude on December 3, 2020. Oral argument has not been scheduled.

Dated: November 6, 2020

By: /s/ Dana Peterson Moore

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Respectfully submitted,

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